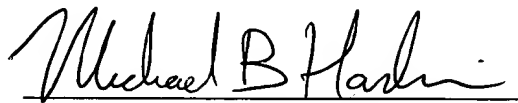


The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,

Dated: February 3, 2004



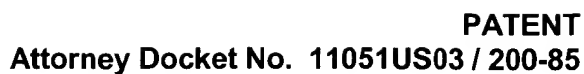
Janet M. McNicholas, Ph.D.

Reg. No. 32,918

Michael B. Hariin

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McAndrews, Held & Malloy, Ltd.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
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In re Application of:

MARC D. BETTER

Serial No.: 09/811,933

Filing Date: March 19, 2001

For: Methods and Cells for
Expression of Recombinant
Protein Products Under the
Transcriptional Control of an
Inducible Promotor

Examiner: Terry A. McKelvey

Group Art Unit No.: 1636

Confirmation No.: 9646

Customer No.: 23446

EXPRESS MAIL NO. EL 929180705 US

DATE OF MAILING: February 3, 2004

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FEB 9 - 2004
TECH CENTER 1600/2900

**AMENDMENT AND RESPONSE TO
OFFICE ACTION MAILED NOVEMBER 3, 2003**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed November 3, 2003 in the above-identified application. Claims 1, 3-5, 8-9, 18, 20-22, 25-26, 28-30, 33-35, 37-39, 42-43, 45-47 and 50-51 were rejected under 35 U.S.C. §112, first paragraph. Claims 6-7, 10-17, 23-24, 31-32, 40-41 and 48-49 had been withdrawn from consideration as a result of an earlier restriction requirement. This response is timely filed within the shortened statutory period for reply set in the November 3, 2003 Office Action. Reconsideration and withdrawal of the rejections, and rejoinder of the withdrawn claims, are respectfully requested in light of the following amendment and remarks as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.